

Docket No.  
P67 41855

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD AND APPARATUS FOR EXPONENTIALLY CONVERGENT THERAPY EFFECTIVENESS MONITORING USING DNA MICROARRAY BASED VIRAL LOAD MEASUREMENTS**

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application No. or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

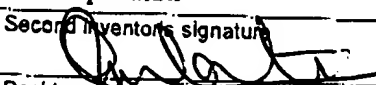
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Daniel C. Mallery, Esq. \_\_\_\_\_ PTO Registration No. 33,532

Send Correspondence to: Daniel C. Mallery, Esq.  
PRETTY, SCHROEDER & POPLAWSKI  
444 South Flower Street, 19th Floor  
Los Angeles, California 90071-2909

Direct Telephone Calls to: (name and telephone number)  
Daniel C. Mallery, Esq., PRETTY, SCHROEDER & POPLAWSKI, Tel.: (213) 622-7700

Full name of sole or first inventor Poonam S. Gulati	
Sole or first inventor's signature 	Date 02/22/99
Residence 5467 La Forest Drive, La Canada, CA 91011	
Citizenship India	
Post Office Address Same as above.	

Full name of second inventor, if any Sandeep Gulati	
Second inventor's signature 	Date 02/22/99
Residence 5467 La Forest Drive, La Canada, CA 91011	
Citizenship India	
Post Office Address Same as above.	

RAS/CAK/DEM



VIA AIR  
P67 41855 cc: Fu  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 24, 1999

PTAS

PRETTY, SCHROEDER & POPLAWSKI  
CARL A. KUKKONEN, III  
444 SOUTH FLOWER STREET  
19TH FLOOR  
LOS ANGELES, CA 90071



\*101016776A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

564 U.S. PTO  
09/523539  
03/10/00

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/19/1999

REEL/FRAME: 9891/0835  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
GULATI, POONAM S.

DOC DATE: 04/10/1999

ASSIGNOR:  
GULATI, SANDEEP

DOC DATE: 04/08/1999

ASSIGNEE:  
VIALOGY CORPORATION  
2400 LINCOLN AVENUE  
ALTADENA, CALIFORNIA 91001

SERIAL NUMBER: 09253791  
PATENT NUMBER:

FILING DATE: 02/22/1999  
ISSUE DATE:

JACQUELINE MOORE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

04-22-1999

L ket No.: P67 41855

FORM PTO-1  
(Rev. 6-93)  
OMB No. 0651  
Copyright 199-  
P08/REV02



ORDINATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

**PATENTS ONLY**

Tab setting

101016776

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Poonam S. Gulati  
Sandeep Gulati

## 2. Name and address of receiving party(ies):

Name: ViaLogy Corp.

Internal Address: \_\_\_\_\_

Street Address: 2400 Lincoln AvenueCity: Altadena State: CA ZIP: 91001Additional name(s) & address(es) attached? ☐ Yes ☒ NoAdditional names(s) of conveying party(ies) ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_Execution Date: 04/10/99 and 04/08/99 respectively

## 4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

09/253,791

04/21/1999 ANCHOR 00000070 09253791

01 FC:581

40.00 DP

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Carl A. Kukkonen, III

Internal Address: \_\_\_\_\_

PRETTY, SCHROEDER & POPLAWSKIStreet Address: 444 South Flower Street, 19th FloorCity: Los Angeles, State: CA ZIP: 900716. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):.....\$ 40.00☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

## 8. Deposit account number:

16-2460

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Carl A. Kukkonen, III Reg. No. 42,77

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 4

### Assignment of Rights, Title and Interest in Invention (Multiple inventors; single assignee)

Docket No.  
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***This is an Assignment of the following rights, title and interest: (check all that apply):***

- ☒ *United States of America rights, title and interest in the invention*
- ☒ *Foreign rights, title and interest in the invention*
- ☒ *United States Patent Application Serial No. 09/253,791*

***Date of Execution:***

***Date of Filing:*** February 22, 1999

- ☐ **United States Provisional Patent Application Serial No.** \_\_\_\_\_
- ☐ **United States Patent No(s).** \_\_\_\_\_
- ☐ **International (PCT) Patent Application Serial No.** \_\_\_\_\_
- ☐ **Other (specify)** \_\_\_\_\_

***Title of the Invention***

**METHOD AND APPARATUS FOR EXPONENTIALLY CONVERGENT THERAPY EFFECTIVENESS MONITORING USING DNA MICROARRAY BASED VIRAL LOAD MEASUREMENTS**

***Inventors (assignors)***

[illegible]**Assignee**

<i>Name</i>	<i>Address</i>
ViaLogy Corp.	2400 Lincoln Avenue Altadena, CA 91001

### Assignment of Rights, Title and Interest in Invention (Multiple inventors; single assignee)

**Docket No.**  
**P67 41855**

Whereas, we, the above-identified Inventors, have invented certain new and useful improvements in the Invention identified above and described in the above-identified patent application(s) and/or patent(s) (hereinafter referred to as "Invention");

*And, whereas we desire to assign our above-identified rights, title and interest in the Invention to the above-identified Assignee;*

*Now, this indenture witnesseth, that for good and valuable consideration, the receipt whereof is hereby acknowledged;*

*We hereby assign, sell and transfer our above-identified rights, title and interest in said Invention, said application(s) as identified above, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted or have granted for said Invention, and in and to any and all reissues and reexaminations thereof, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;*

*And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any United States Letters Patent which may issue for said Invention to said Assignee, as assignee of the whole right, title and interest thereto;*

*And we further agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee or its Designee(s) may from time to time require and prepare at its own expense.*

***Inventors' Signatures (if Notarization is desired, do not sign here and proceed to next page)***

[illegible]

Assignment of Rights, Title and Interest in Invention  
(Multiple inventors; single assignee)

Docket No.  
P67 41855

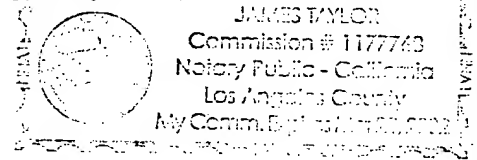
Notarization

(Although notarization is not necessary, it will be considered prima facie evidence of execution pursuant to 35 U.S.C. 261.)

Executed this 10th day of April, in the year 1999  
at La Canada, California

State of California  
County of Los Angeles

Poonam Gulati  
(Signature of Inventor)



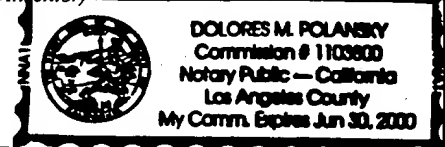
Before me personally appeared Poonam S. Gulati  
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
execute the same this 10 day of April, in the year 1999

James Taylor  
(Notary Public)

Executed this 8th day of April, in the year 1999  
at La Canada, California

State of CALIFORNIA  
County of LOS ANGELES

Dolores M. Polansky  
(Signature of Inventor)



Before me personally appeared Sandeep Gulati  
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
execute the same this 8TH day of APRIL, in the year 1999

Dolores M. Polansky  
(Notary Public)

Executed this day of, in the year  
at

State of  
County of

(Signature of Inventor)

Before me personally appeared  
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
execute the same this day of, in the year

(Notary Public)



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.  
P67 41855

Serial No.

09/253,791

Filing Date

02/22/99

Patent No.

Issue Date

Applicant/ Gulati, Sandeep, et al.  
Patentee:

Invention: **METHOD AND APPARATUS FOR EXPONENTIALLY CONVERGENT THERAPY  
EFFECTIVENESS MONITORING USING DNA MICROARRAY BASED VIRAL LOAD MEASUREMENTS**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: ViaLogy Corp.ADDRESS OF CONCERN: 2400 Lincoln Avenue, Altadena, CA 91001

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Salman Shehgyeb

TITLE OF PERSON SIGNING

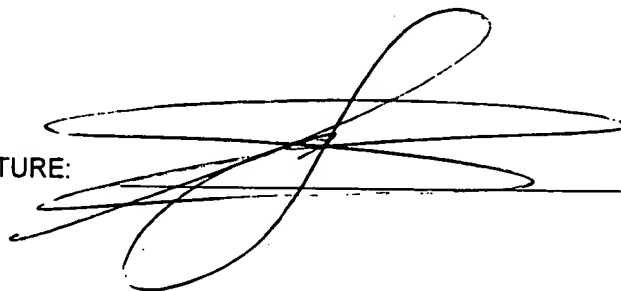
OTHER THAN OWNER:

Vice President

ADDRESS OF PERSON SIGNING:

2400 Lincoln Avenue  
Altadena, CA 91001

SIGNATURE:



DATE:

APRIL 12<sup>TH</sup>, 1999

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of )  
 )  
Gulati, Sandeep, et al. )  
 )  
Serial No.: 09/253,791 )  
 )  
Filed: February 22, 1999 )  
 )  
For: METHOD AND APPARATUS FOR )  
EXPONENTIALLY CONVERGENT )  
THERAPY EFFECTIVENESS )  
MONITORING USING DNA )  
MICROARRAY BASED VIRAL LOAD )  
MEASUREMENTS )  
\_\_\_\_\_ )

**CERTIFICATE UNDER 37 C.F.R. 3.73(b)**  
**ESTABLISHING RIGHT OF ASSIGNEE TO PROSECUTE**

ViaLogy Corp., a California Corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

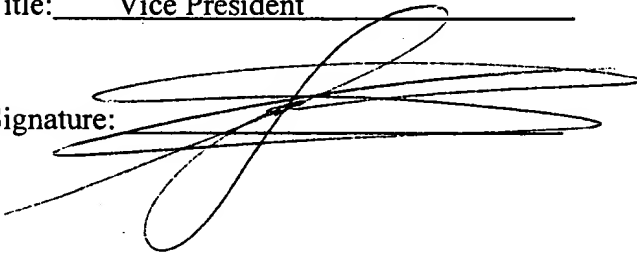
The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: APRIL 12<sup>TH</sup>, 1999

Name: Salman Sheheyeb

Title: Vice President

Signature: 

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## POWER OF ATTORNEY

Docket No.

P67 41855

Name of Applicant: ViaLogy Corp.  
Address of Applicant: 2400 Lincoln Avenue  
Altadena, CA 91001

Title: METHOD AND APPARATUS FOR EXPONENTIALLY CONVERGENT  
THERAPY EFFECTIVENESS MONITORING USING DNA MICROARRAY  
Serial No., if Any: BASED VIRAL LOAD MEASUREMENTS  
Filed: 09/253,791 filed February 22, 1999

TO THE ASSISTANT COMMISSIONER FOR PATENTS

The Assistant Commissioner for Patents  
Washington, D.C. 20231

Honorable Sir:  
I hereby appoint:

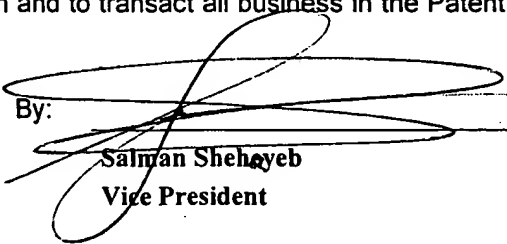
Laurence H. Pretty, Reg. No. 25,312	J. Christopher James, Reg. No. 40,660
Robert A. Schroeder, Reg. No. 25,393	Gregory S. Cordrey, Reg. No. 44,089
Edward G. Poplawski, Reg. No. 33,439	Matthew C. Lapple, Reg. No. 44,203
Jeffrey R. Craft, Reg. No. 30,044	Eric T. King, Reg. No. 44,188
Richard A. Wallen, Reg. No. 22,671	Carl A. Kukkonen, Reg. No. 42,773
Michael J. MacDermott, Reg. No. 29,946	Daniel C. Mallery, Reg. No. 33,532
Anne Wang, Reg. No. 36,045	
Paul D. Tripodi, Reg. No. 40,847	
Marc E. Hankin, Reg. No. 38,908	
Donald C. Kordich, Reg. No. 38,213	

as principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence to:

Daniel C. Mallery, Reg. No. 33,532  
PRETTY, SCHROEDER & POPLAWSKI, P.C.  
444 South Flower Street, 19th Floor  
Los Angeles, CA 90071  
(213) 622-7700

By:

  
Salman Shehryeb  
Vice President

Dated:

APRIL 12<sup>TH</sup>, 1999